

# Exhibit 17

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci  
In Support of Plaintiff's Motion for Partial Summary Judgment and  
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

Morgan, Patricia Kay - January 11, 2005 09:30:00 a.m.

1:1           HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2                   IN THE UNITED STATES DISTRICT COURT  
3                   FOR THE DISTRICT OF MASSACHUSETTS  
4   -----x  
5   In Re: PHARMACEUTICAL                   ) )  
6   INDUSTRY AVERAGE WHOLESALE           ) MDL No. 1456 )  
7   PRICE LITIGATION                   ) CIVIL ACTION NO. ) 01-CV-12257-PBS  
8                   ) -----)  
9   THIS DOCUMENT RELATES TO           ) ALL ACTIONS                   )  
10   -----x  
11   IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
12                   IN AND FOR THE COUNTY OF MARICOPA  
13   ----- ROBERT J. SWANSTON, Individually and )  
14   on behalf of himself and all others   ) Similarly situated,                   )  
15                   ) Plaintiff,                   ) Case No.  
16   v.                   ) CV2002-004988 )  
17   TAP PHARMACEUTICAL PRODUCTS,           ) Vol. 1 INC., et al.,                   )  
18                   ) Defendants.                   )  
19   -----  
20   VIDEOTAPED DEPOSITION OF PATRICIA KAY MORGAN  
21                   New York, New York Tuesday, January 11, 2005  
22

Morgan, Patricia Kay - January 11, 2005 09:30:00 a.m.

2:1 January 11, 2005  
2 9:30 a.m.  
3  
4 Videotaped deposition of PATRICIA KAY  
5 MORGAN, held at the offices of Hearst  
6 Corporation, 1345 Avenue of the Americas,  
7 New York, New York, pursuant to court  
8 order, before Frank J. Bas, a Registered  
9 Professional Reporter and Notary Public of  
10 the State of New York.  
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Morgan, Patricia Kay - January 11, 2005 09:30:00 a.m.

188:1           Q.     And does that cause FDB to populate  
2     the Blue Book AWP field with what's in the SWP  
3     field?

4           A.     The actual AWP field is not  
5     populated, it is generated. Depending upon what  
6     a table says.

7           Q.     Would the data that is generated --  
8     strike that.

9                     If a wholesaler responds that when  
10    you ask for a markup, that the AWP is what is  
11    supplied by the manufacturer, does that result in  
12    a Blue Book AWP reported value that is the same  
13    as the suggested wholesale price?

14          A.     Correct.

15          Q.     And do you recall whether this use of  
16    suggested wholesale price is described in First  
17    Data Bank's definitions of Blue Book AWP that it  
18    makes available to customers?

19                 MR. KERN: Objection, vague and  
20    ambiguous.

21                 MR. SOBOL: Objection to form. that  
22    was a good one, everybody. Nobody liked